App. F. IX-4

Previous References

1936-37 / CS File No. 79-36
(CS)
CS. 18-34-(7) (cc 57-34) Serial Nos. 6 & 7

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 6 & 7

Part B for Dec 36

SUBJECT.

Payment of the President
fund to Mr F. N. Mandawalla

WD 0418—GPB—22,500—29-8-36

EO No. 453-41/CS Dated 29.1.37
To The Chief Elec Engr
The Legislature Elec Dept
Completion Thro Rly Bd

Serial No.

D.O.Letter No. 2641 dated 23rd November 1936 from Mr. F.N.Mowdawalla, Chief Electrical Engineer, relating to his Provident Fund.

Submitted with previous references (C.B. file 51 of 1934-35).

According to para 5 of the Agreement executed by Mr. Mowdawalla, if he resigns the service of his own accord under clause 4 before reaching the age of 55 years, he shall not be entitled to any part of the Government's contribution to the Fund . Mr. Mowdawalla invites reference to the Chief Secretary's letter dated

29

25th June 1934, in which it has been stated that "Government hold the view that if the employee leaves the service before the expiry of the full period of his contract, he cannot be entitled to the Government's provident fund contribution although it would be open to Government at their discretion to pay the contribution as has been done in some cases."

Mr. Mowdawalla has served the State only for about 2½ years (including leave with and without allowances for about 6 months), is aged about 47 and has to render 8 years' more service according to the Contract (till 55 years). He would be entitled to about two and a half months' pay for this service.

His request is a special one, not covered by

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

his agreement.

While most Government officers do not utilise all the leave they earn, he seems to have utilised it fully. We would be quite justified, in view of the very short period of service he has put in and the purely voluntary character -- based on no adequate reasons -- of his retirement, to refuse the Government share of the provident fund altogether. But if Government wish to be generous, the grant of half of it may perhaps be considered sufficient.

First Member,)
)
D E W A N,)
thro')
Financial Secretary.)

26/11
27/11

I agree with the Financial Secretary that according to Clause 5 of the Agreement, Mr. Mowdawalla is not entitled to any part of the Government's contribution to his Provident Fund.

His having utilised all the leave he earned need not, I think, come in the way of deciding the question of the Provident Fund, as there is nothing wrong on the part of any officer if he utilises the leave he has earned. Leave is meant to be utilised fully.

Whether to grant the full or half the amount of the Government's contribution, for the period served by him, is a point for the consideration of Government.

A
27/11/36

EDS
27/11/36

D. No. 372.

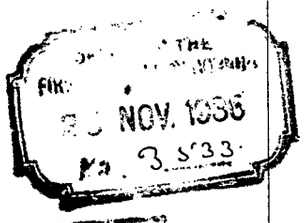
(3)

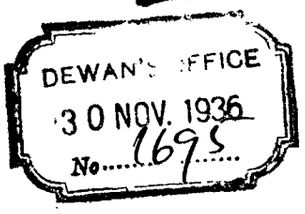
25/28/11/36

ELECTRICAL SECRETARIAT. File No. of 193 .

Serial No.

I am inclined to agree with the view of the Financial Secretary expressed at 'A'





Submitted
I Member.
Dewan.

28/11/36

The previous sentence in the Ch Sec'y's letter refers to above / It would be singularly inappropriate to exempt from the operation of this rule the person who is to be the head of the Dept to which these rules apply The same principle has been adopted in the case of others who have been engaged on spl Contracts

This lays down the correct principle & I don't see any reason why we should deviate from it. The present circumstances under which he leaves the Service do not in my opinion justify any exceptional treatment which would also become an inconvenient precedent

SPR
29/11

As suggested by Mr F. Secy, we may give him half the bonus that he otherwise is entitled to, having regard to the circumstances in which he has left the State.

[P.T.O.

This 9 months leave to be reckoned to H.H. being outside the limits 7-12-36 SPR

Ch Sec'y's.
10/12/36.

C. B.
10/12

For Disposal by Circulation.

No. C. 122 of

1936- 193.2

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

DEWAN'S OFFICE 1936 No. 1924

Subject

Grant of half of the Government's contribution to the Provident Fund to Mr. F. N. Mowdawalla, Chief Electrical Engineer (on leave).

Circulated to the Members of Council.

By Order,

11th December 1936. *Chief Secretary to Government.*

First Member of Council. (Seen)

3867 11.12 For favour of Final Note

Second Member of Council. (Not in HD Quarters) (1st member) 11/12

Signed Final Note is put up.

14/12 S. N. put up.

DEWAN. 14/12

Final Note by the First Member of Council.

Subject:—

Grant of half the Government's contribution to the Provident Fund to Mr. F.N. Mowdawalla, Chief Electrical Engineer, on leave.

Mr. F.N. Mowdawalla, Chief Electrical Engineer, who has been granted leave preparatory to his relinquishing the post, requests that the question of payment to him of the Government portion of the Provident Fund may be decided early. Under clause 5 of the Agreement executed by him, the Provident Fund is to be governed by the rules regulating the Bonus and Provident Fund of the Government Electrical Department. He has been informed by the Chief Secretary in his demi-official letter of the 25th June 1934 that "Government hold the view that if the employee leaves the service before the expiry of the full period of his contract, (or is dismissed), he cannot be entitled to the Government's Provident Fund contribution, although it would be open to Government at their discretion to pay the contribution as has been done in some cases."

Pages 1 & 2 of Min notes.

The Financial Secretary is of opinion that "in view of the very short period of service Mr. Mowdawalla has put in, and the purely voluntary character of his retirement based on no adequate reason, we would be justified to refuse the Government's portion of the Provident Fund altogether. But if Government wish to be generous, the grant of half of it may be considered sufficient." When the papers came to me, I minuted as follows:-

"The previous sentence in the Chief Secretary's letter referred to also says, 'It would be singularly inappropriate to exempt from the operation of this rule the person who is to be the Head of the Department to which these rules apply. The same principle has been adopted in the case of others who have been engaged on special contracts.'

Page 3 of the rules.

This lays down the correct principle and I don't see any reason why we should deviate from it. The present circumstances under which he leaves the service do not, in my opinion justify any exceptional treatment, which would also become an inconvenient precedent."

Page 3 —30— But the Dewan considers that we may give him, as suggested by the Financial Secretary, half the bonus that he would ordinarily be entitled to, having regard to the circumstances in which he has left the service. This may be graciously approved.

Rajagopal

MEMBER OF COUNCIL.

Bangalore,
12th December 1936.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council* re: grant of half the Government's contribution to the Provident Fund to Mr. F.N.Mowdawalla, Chief Electrical Engineer, on leave,

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.
14-12-36

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Grant of half the Government's contribution to the Provident Fund to Mr. F. N. Mowdawalla, Chief Electrical Engineer, on leave.

C. Secy
M
18.12.36

160

MS
18/12

Order.

~~KRM~~
15/12/36

General and Revenue
Secretariat

C. 122.

SUBJECT:- Grant of half the Govt's contribution to the Provident Fund to Mr. J. N. Madanvalla, Chief Electrical Engineer on leave.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.,

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after* issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

Financial Department.

FIRST MEMBER OF COUNCIL. 18/12

4068
18-12-36

SECOND MEMBER OF COUNCIL. 19/12

Financial Secretary
with Compliments.

Chief Secy)
W.C

22/12/36

21/12

Electrical Secty for favour of further action

21/12

CHIEF SECRETARY
22 DEC 1936
GOVT. OF MYSORE

NOTE.—Contn. sheet:

Reed

21-12-36

Govt's Contribution to Provident Fund of Mrs Y.N. Wickramasinghe

General and Revenue Secretariat | File No. 79 of 1936. | [App. F. III—2

Serial No.	
	Draft G.O. Subd. Issue 28/12 CPR (Issued) Issue after scrutiny by Financial Secretary MWS 24/12 MW 29/12 MWS
QR-Cont 1033	Draft Cont-Fois Subd. CPR 2/1/37 Issue MW 2/1/37
7	G.O. No 1539-41 of 31.12.36 to Chief Elec. Engineer " Controller " Secy to Govt Elec Dept Director Head Mrs Wickramasinghe be given leave on Govt's Share of the Contribution to his Provident Fund as a Special Case.

K. Rice

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

ELECTRICAL SECRETARIAT. File No. of 193 .

Ees.1470
11/12/36
Encl-1.

Serial No.

Subject:- Mr. F.N. Mendawalla—
Reference:- CE's letter No: 2489 D/ 2.12.36.

In para 1 of his letter under reference, Mr. Mendawalla requests orders permitting him to draw the amount of Provident Funds to his credit up to the end of 14th January 1937. This question has already been under the consideration of Govt: & orders are awaited.

As regards the request made in para 2 of the CE's letter, it has to be dealt with in the Financial Secretariat—

May be forwarded to the Hl. Secretary for favour of disposal.

10/12/36

Fin'l Sec'ry.) 11/12/36

Forwarded with compliments to the Comptroller for favour of noting (i) the balance at credit in the Provident Fund account (ii) the Salary

FINANCIAL SECRETARY
12 DEC. 1936
No.

FINANCIAL BR
1940
12 DEC. 1936
GEN'L & REV. SECTT.

[P.T.O.

1960/36

File No. of 193 . ELECTRICAL SECRETARIAT.

Serial No.

paid by him (iii) the Contribution by Govt & (iv) interest on (ii) & (iii).

This may kindly be treated as immediate.

Yrs.
K Venkatachar
for H: Secy

12.12.36

E A D
S P F

COMPTROLLER'S OFFICE
12 DEC. 1936
5/4B/SPF

SPF 969
14/12

SPF 1222
14/12

Returned with Compliments.

Amount at credit of Mr. J. N. Mondawalla in the State Provident Fund is Rs 2216-0-2 to end of December 36 as detailed below

Amount Subscribed by Mr. J. N. Mondawalla Rs 1035-11-0

Government Contribution credited to his Account Rs 1035-11-0

Amount of interest added to end of June 36 101-3-0

Interest for during 36-37 – to end of December 36 assuming that the withdrawal will be in January 37 = 43-7-2 → 144-10-2

Total amount at his credit to end of December 36 2216-0-2

He stopped Subscribing to the fund from October 1935.

Raghavachar
14/12/36
Assistant Comptroller

14/12 14/12

WD 01005—GPB—2,000—17-11-36

Letter No.2219 dated the 2nd December 1936, from the Chief Electrical Engineer to the Government of Mysore, --- Bangalore, to the Secretary to Government, Electrical --- Department, Bangalore.

Personal - Mr. F.N. Mowdawalla.

As I shall be relinquishing my office from this afternoon availing myself of the combined leave sanctioned to me up to 14th January 1937 (inclusive) preparatory to termination of my service with Government, I have the honour to request you kindly to arrange for early orders of Government permitting me to draw the amount of --- Provident Fund to my credit up to end of 14th January 1937.

2. In this connection, I have also to request sanction of Government for the withdrawal of the amount of my Provident Fund at my credit in my State Provident Fund Account No.8525 together with the interest due thereon to date of payment.

" Copy "

Batni Bhima Rao
10/12/36

CD 1150

General and Revenue Secretariat	File No.	of 193 .	[App. F. III—2

Serial No.

From the Comptroller's notes it will be seen that the balances in the S.P.F. includes also Govt: Contributions. The file may be passed on to the Electrical Secty: where the Question of paying Govt: Contribution is under Consideration.

Electrical Secty with compliments)

MW 16/12

15/12

18/12/36

It will be seen from the G.O. No.1539-41/T.R. dated the 31st December 1936 that Government in the Chief Secretariat have passed orders sanctioning, as a special case, half the Government's --- contribution to Mr. Mowdawalla's Provident Fund. Mr. Mowdawalla's request for the withdrawl of the amount at his credit in the State Provident Fund will also be forwarded to the Chief Secretary for disposal.

El. dept—

Chief Secretary W.C.)

4/1/37

No. EDS. 1696. Encls. The file. Dt 5/1/37.

C.S. file 79-36-7 directing that as a S/l case Mr. Mowdawalla be given half the Govt's share of the Contribution to his P.F. is sent up

Copy of the Comptroller's letter dated

Yes Ch

Yes Ch

Encl. Govt. to the Govt. has no Connection as Govt is required to contribute Govt. the P.F.

Form G/1 (50)

WD 0417—GPB—30,000—8-9-36

CB 1150

File No. 79 of 1936.

General and Revenue Secretariat

Serial No.

and.

MS
6/1

Noted no 1589 dt 9.1.37
to the Comptroller
Forwards the letter of
Mrs Kennedy for action

3

MR. F. N. MOWDAWALLA,
M.A., B.Sc., M.I.E.E.,
CHIEF ELECTRICAL ENGINEER.

OFFICE OF THE CHIEF ELECTRICAL ENGINEER
TO THE GOVT. OF MYSORE.
BANGALORE, 23rd Nov. 1936
(S. INDIA)

D. O. No. 2841

CS-79-86

DEWAN'S OFFICE
24 NOV. 1936
No. M.-470

FINANCIAL BRANCH
1745
24 NOV. 1936
GEN'L & REV. SECT.

Dear Mr. Noronha,

I shall be much obliged if you would kindly place the following matter relating to my Provident Fund before the Dewan.

Although Clause 5 of my contract with Government states that "the Provident Fund under this agreement shall be governed by the rules regulating the Bonus and Provident Fund of the Mysore Government Electrical Department", the Dewan had promised me that the question of payment to me of Government's contribution to my Provident Fund would be considered at the time of my leaving the service. In this connection I would also invite reference to the following statement in Chief Secretary's D.O.No.Camp A/C.B. dated 25th June 1934.-

> " Government hold the view that if the employee leaves the service before the expiry of the full period of his contract (or is dismissed) he cannot be entitled to the Government's Provident Fund contribution, although it would be open to Government at their descretion to pay the contribution as has been done in some cases. This would be outside the contract and would depend on the circumstances under which the employee leaves the service."

I should be very grateful if the Dewan would kindly inform me of the decision of the Government in the matter in order to enable me to claim my Provident Fund accordingly.

Yours sincerely,

F. N. Mowdawalla

To
C. E. Noronha, Esq., M.A.,
Private Secretary
to the Dewan of Mysore,
Bangalore.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :--

C. . . No.1333-0/C.S.73-78-1 dated 22nd November 1978 permitting Sri. . .N.Londewalla, Chief Electrical Engineer in Mysore, to relinquish service under the Mysore Government with effect from 16th January 1987.

Letter No.5041, dated 23rd November 1978 from Sri. . . N. Londewalla, requesting order of Government regarding the payment to him of the Government's contribution to his Provident Fund.

- - - -

Order No. HSG-41/CS.73-78-7
Dated, Bangalore, the 27th December 1978.

Government are pleased to direct that, as a special case, Sri. . . Londewalla be given back the Government share of the amount due to his Provident Fund.

Sd/-
Chief Secretary to Govt.

To

The Chief Electrical Engineer in Mysore.
" Comptroller to Government, Fin. & Rev. Deptt.
" Secretary to Govt., Electrical Department.

....

Proceedings of the Government of
H.H. the Maharaja of Mysore.

*****

Read:-

G.O. No.1306-8/C.B.79-36-1 dated 23rd Nov. 1936 permitting Mr. F.N. Mowdawalla, Chief Electrical Engineer in Mysore, to relinquish service under the Mysore Government with effect from 15th January 1937.

Letter No. 2841, dated 23rd November 1936 from Mr. F. N. Mowdawalla, requesting orders of Government regarding the payment to him of the Government's contribution to his Provident Fund

Order No: 1539-41/CB 79-36-7

Dated, Bangalore the 31.12.1936.

Government are pleased to direct that, as a special case, Mr. F. N. Mowdawalla be given ~~the~~ half of the Government's contribution to ~~the~~ his Provident Fund.

This is the wording in Fenton's minute. accepted

The wording in the G.O. is "half the bonus that he would ordinarily be entitled to."

K. Ofs
Govt

MVS 24/12

Chief Secretary to Government.

To

The Chief Electrical Engineer in Mysore.
" Comptroller to Govt. through F.D.
" Secretary to Govt., Electrical Deptt.

No 1542/CB Copy to Mr. F.N. Mowdawalla.
dated 31.12.36

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

C. O. No.1303-8/C.S.78-36-1 dated 23rd November 1936 permitting Mr. K.T.Londwalla, Chief Electrical Engineer in Mysore, to relinquish service under the Mysore Government with effect from 15th January 1937.

Letter No.2241, dated 23rd November 1936 from Mr. K. T. Londwalla, requesting orders of Government regarding the payment to him of the Government's contribution to his Provident Fund.

Order No. 159-41/CS 79-36-1

Dated, Bangalore, the 15th December 1936.

Government are pleased to direct that, as a special case, Mr. K. T. Londwalla be given credit the Government's share of the contribution to his Provident Fund.

Chief Secretary to Govt.

To

The Chief Electrical Engineer in Mysore.
" Comptroller to Government, through Fin. Deptt.
" Secretary to Govt., Electrical Department.

....

CB 1182

301, Frere Road, Fort,

Bombay, 7.1.1937.

To, The Chief Secretary to Government of Mysore,
Bangalore.

Dear Sir,

I have the honour to acknowledge with thanks receipt of your endorsement No 1542 dated 31st December informing me that Government were pleased to allow me half their share of the Contribution to my Provident Fund.

Yours faithfully
F. N. Mandanna

Submitted for perusal.

Dom
9.1.37.

(File with papers)

No. 1589/43 79-36 -

Dated, Bangalore, 9 th Jan. 1937.

To

The Comptroller to the Government
of Mysore.

Sir,

In continuation of Government Order No.1539-41/C.B.79-36-7 dated the 29th December 1936, I am directed to forward for favour of ~~disposal~~ early necessary action, copy of letter No.2219 dated the 2nd December 1936 from ~~the Chief Electrical Engineer to Govern-~~ Mr. Mowdalla ment requesting that he may be allowed to withdraw his Provident Fund amount.

Sanctioning the grant to Mr. F.N. Mowdawalla, of half the Government share of contribution to his P.F. A

I have &c.,

Chief Secretary to Govt.

No. 1590/43 dated 9.1.37

Copy to Mr. F.N.Mowdawalla, M.A.,B.Sc., M.I.E.E.,

VERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No.

Dated, Bangalore, 8th January 1937.

From

B. T. KESAVAIENGAR, Esq., B. A.,
Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Comptroller to the Government of His Highness
the Maharaja of Mysore, Bangalore.

Sir,

In continuation of Government Order No.1539-41/C.B.79-36-7 dated the 29th December 1936, sanctioning the grant to Mr. F. N. Mowdawalla, of half the Government's share of contribution to his Provident Fund, I am directed to forward for favour of early necessary action, copy of letter No.2219 dated the 2nd December 1936 from -- Mr. Mowdawalla requesting that he may be allowed to withdraw his Provident Fund amount.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. B.T.Kesavaiengar,

Chief Secretary to Government.

Memo.No.

Copy of the above is forwarded to Mr. F.N.Mowdawalla,M.A B.Sc., M.I.E.E.,

9.1

For Chief Secretary to Government.